

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ILKA RIOS, ALISON BUSH, JOYCE CULLER,
PAMELA STEWART-MARTINEZ, WINFRED
COULTON, SHARAN FERNANDEZ, CHARLENE
PRICE, ROXANNE DELGADO, JAMES GRAHAM,
PATRICIA JONES, MARJORIE VANHOOK, PHILLIP
LINDSAY, MARK A. LINDSAY, TOSHA IRALDO,
LINDA ARNOLD, STEPHANIE PRYOR, ANSELMO
BALLANTIME, AND YVONNE WHITE,

on behalf of themselves and all other persons who reside in
Bronx County, New York, who are similarly situated,

**NOTICE OF MOTION TO
DISMISS**

16-CV-6448 (KMW)

Plaintiffs,

-against-

STANLEY KALMON SCHLEIN, RUBEN DIAZ, JR.,
JEFFREY DINOWITZ, MICHAEL R. BENEDETTO,
CARL E. HEASTIE, AURELIA GREENE, ANNABEL
PALMA, MARCOS A. CRESPO, ANTHONY PEREZ,
VENANCIO "BENNY" CATALA, JOHN ZACARRO,
ANGEL GAUD, YVES FILIAS, LEILA MARTINEZ,
YUDELTKA TAPIA, UNIDENTIFIED CO-
CONSPIRATORS 1 TO 100, and as necessary parties THE
BOARD OF ELECTIONS IN THE CITY OF NEW YORK
and THE NEW YORK STATE BOARD OF ELECTIONS,

Defendants.

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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law
in Support of its Motion, dated June 8, 2017, Defendant Board of Elections in the City of New
York (the "Board"), by its attorney, Zachary W. Carter, Corporation Counsel of the City of New
York, will move this Court, before the Honorable Kimba M. Wood, at the United States
Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New
York 10007 on a date and time designated by the Court, for an Order pursuant to Rule 12(b)(6)

of the Federal Rules of Civil Procedure dismissing the claims pled in the Second Amended Complaint, dated May 4, 2017 (dkt. no. 50) (the “SAC”) against the Board, in their entirety, on the grounds that: 1) Plaintiffs fail to state a claim for municipal liability against the Board; and 2) Plaintiffs fail to state a claim under the Racketeer Influenced and Corrupt Organizations Act against the Board, and awarding the Board such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that in accordance with Section 2(E) of Judge Wood’s Individual Practices, Plaintiffs’ opposition, if any shall be served within 14 days after service of the Board’s moving papers, and the Board’s reply, if any, shall be served within 7 days after service of Plaintiffs’ answering papers.

Dated: New York, New York
 June 8, 2017

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By: s/

EVAN SCHNITTMAN
Assistant Corporation Counsel

To: **BY ECF**
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- and -

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- and -

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